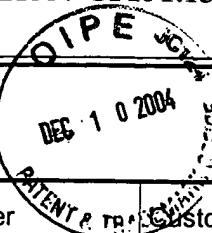


PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Small Entity)

Docket No.
XIP 72

In Re Application Of: **XYBERNAUT CORPORATION**



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
1-09/843,423	4/25/01	LIU	24321	2675	

Invention:

WIRELESS PEN INPUT DEVICE

COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 12/9/04 in the above-identified application.

Date

The requested extension is as follows (check time period desired):

One month Two months Three months Four months Five months

from: 10/12/04 *Date* until: 12/13/04 *Date*

Applicant claims small entity status. See 37 CFR 1.27

The fee for the extension of time is 330.00 and is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 18-0080
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 18-0080
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: 12/9/04

JAMES J. RALABATE
5792 MAIN ST.
WILLIAMSVILLE NY 14221
(716) 634-2280

12/13/2004-EFLORES-00000087-09843423

01 FC:2252 330.00 OP
 Adjustment date: 12/17/2004 EFLORES
 12/13/2004 EFLORES-00000087-09843423
 01 FC:2252 -330.00 OP

Refn. Ref: 12/17/2004 EFLORES 0010153200
 DAB: 0080 Name/Number:09843423
 FC: 9204 \$105.00 CR

VIA EXPRESS MAIL

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____.

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

12/17/2004 EFLORES 00000005 09843423

01 FC:2252 225.00 OP

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): XYBERNAUT CORP.

Docket No.

XIP 72

Application No.

09/843,423

Filing Date

4/25/01

Examiner

LIU

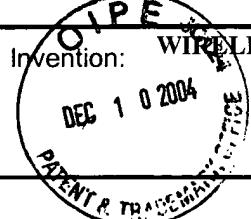
Customer No.

24321

Group Art Unit

2675

Invention: WIRELESS PEN INPUT DEVICE



I hereby certify that the following correspondence:

RCE, REQ. FOR 2 MONTH EXTENSION OF TIME AND FEES*(Identify type of correspondence)*

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12/9/04*(Date)*JAMES J. RALABATE*(Typed or Printed Name of Person Mailing Correspondence)*James J. Ralabate
*(Signature of Person Mailing Correspondence)*EV394762660 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**